



GAIL FARBER, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

August 19, 2014

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

20 August 19, 2014

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**DELEGATE AUTHORITY TO NEGOTIATE AND ENTER  
INTO SUPPLEMENTAL LEASE AGREEMENT NO. 3 TO  
LEASE NO. DACW09-1-76-72 WITH  
THE UNITED STATES ARMY CORPS OF ENGINEERS  
IN THE SANTA FE FLOOD CONTROL BASIN  
(SUPERVISORIAL DISTRICT 1)  
(3 VOTES)**

**SUBJECT**

This action is to authorize the Director of Public Works or her designee to negotiate and enter into a supplemental lease agreement and any amendments between the United States Army Corps of Engineers and the County of Los Angeles for the lease of land and water areas for public park and recreational purposes, including areas under the jurisdiction of the Departments of Public Works and Parks and Recreation that are all located in the Santa Fe Flood Control Basin.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the proposed leasing actions are categorically exempt from the California Environmental Quality Act because the actions involve maintenance, operation, and leasing of existing recreational trails and that the installation of the Emerald Necklace Gateway, a Class I bikeway is within the scope of the previously certified County of Los Angeles 2012 Bicycle Master Plan Final Program Environmental Impact Report.
2. Delegate authority to the Director of Public Works or her designee to negotiate and enter into Supplemental Lease Agreement No. 3 to Lease No. DACW09-1-76-72 and any amendments between the United States Army Corps of Engineers and the County for the lease of land and water areas for public park and recreational purposes.

3. Direct that a memorandum of understanding delineating maintenance responsibilities shall be negotiated and executed separately and subsequently by the Departments of Public Works and Parks and Recreation.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to authorize the Director of Public Works or her designee to negotiate and enter into a supplemental lease agreement and any amendments, in a form approved by County Counsel, between the United States Army Corps of Engineers (ACOE) and the County.

Supplemental Lease Agreement No. 3 to Lease No. DACW09-1-76-72 addresses and specifies the County's request to utilize 2.03 acres for construction, operation, and maintenance of the Emerald Necklace Gateway project and establishes the legal description of the existing San Gabriel River Bicycle Trail as well as an existing unpaved multi-use trail established and maintained by Parks and Recreation. All are within ACOE property, specifically, Assessor's Identification Nos. 8533-002-906, 8533-003-910, 8533-004-901, 8533-003-909, 8533-010-913, 8533-009-903, 8533-009-904, 8604-019-902, 8604-019-905, 8604-019-901, 8610-022-905, 8610-022-916, and 8533-005-905 within the Santa Fe Flood Control Basin. Additionally, the agreement establishes an extended termination date to said lease based on conditions in Supplement Lease Agreement No. 2 to said lease.

ACOE requires that local jurisdictions enter into supplemental lease agreements to delineate additional recreational facilities within ACOE right of way within an existing lease agreement. Supplemental Lease Agreement No. 3 to Lease No. DACW09-1-76-72 defines the legal boundaries of the project, 5.4 miles of the San Gabriel River Bicycle Trail and 4.2 miles of a 15-foot-wide unpaved multi-use trail maintained by Parks and Recreation, none of which are currently specified in the subject lease.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Service Delivery (Goal 3). The supplemental lease agreement will formally establish rights and responsibilities to construct and operate a new bikeway and effectively operate existing recreational trail corridors thereby providing alternative transportation choices, increasing safety, and fostering economic vitality for County residents, and in doing so, improve the quality of life and health of its citizens.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

There is no cost to the County to enter into this agreement. We will submit the Emerald Necklace Gateway project to the Board for approval to advertise the project for construction bids at a later date. The total project cost is estimated to be \$980,000. A portion of the project cost will be financed with the Federal Congestion Management and Air Quality grant funds received from the Los Angeles County Metropolitan Transportation Authority under the 2007 Call for Projects. The remaining cost of the project will be financed with Proposition C Local Return funds.

Funding for this project is included in the First Supervisorial District's Road Construction Program in the Proposition C Local Return Fund Fiscal Year 2014-15 Budget.

The annual maintenance cost of the bikeway improvements is estimated to be \$2,000. Sufficient appropriation will be included in Public Works' annual Transportation Development Act, Article 3 - Bikeway Fund Budget to finance the ongoing maintenance cost.

Parks and Recreation anticipates additional ongoing operating costs of approximately \$2,500 for maintenance supplies, and they will work with the Chief Executive Office to confirm the appropriate level of funding and submit a new facilities request for the fiscal year in which the project completes.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The County entered into Lease No. DACW09-1-76-72 on May 4, 1976, to use and occupy for public park and recreational purposes 835.77 acres, more or less, of land and water areas located in the Santa Fe Flood Control Basin, Los Angeles, California, for a 50-year term which is set to expire on May 3, 2026. The County entered into Supplemental Lease Agreement No. 1 to said lease on February 22, 1977, to include that area in a sublease to Norac Company, Inc., in consideration for a lease from said company for access to the public. The County entered into Supplemental Lease Agreement No. 2 to said lease on May 10, 1979, requesting that certain additional facilities designated as Phase III be constructed within the area described in said lease.

The additional specified Phase III facilities were completed and delivered to the County on September 30, 1980. Supplemental Lease Agreement No. 2 sets forth terms that the lease shall be extended to that date which is 50 years from the completion and delivery to the County of the last increment comprising Phase III and Supplemental Lease Agreement No. 3 affirms the lease expiration date of September 29, 2030. Supplemental Agreement No. 3 to Lease No. DACW09-1-76-72 will add the legal boundaries of an as yet to be constructed 1.1 mile Class I bikeway, an existing 5.4 mile segment of Class I bikeway, both of which are or will be under Public Works' operation and maintenance jurisdiction, and an existing 4.2 mile unpaved multi-use trail under Parks and Recreation's operation and maintenance jurisdiction. The existing segment of Class I bikeway and multi-use trail are not currently specified or defined in the subject lease.

The supplemental lease agreement will be approved, as to form, by County Counsel prior to execution by the Director of Public Works or her designee.

Separately and subsequently, Public Works and Parks and Recreation will execute a memorandum of understanding clarifying each Department's operation and maintenance responsibilities for the bike path and multi-use trail where they meet, cross, or converge, and specifically concerning the Interstate 605 freeway underpass tunnel. Public Works will operate and maintain the portions of bikeway and Parks and Recreation will operate and maintain the multi-use trail. Supplemental Lease Agreement No. 3 will not address these responsibilities as the County is the lessee.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed Supplemental Lease Agreement No. 3 is categorically exempt from the California Environmental Quality Act (CEQA) according to Section 15301 of the CEQA guidelines and Class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines (Appendix G)

because the agreement involves maintenance, operation, and leasing of existing recreational trail facilities with negligible or no expansion in use. In addition, the installation of the Emerald Necklace Gateway is within the scope of the February 28, 2012, certified County of Los Angeles 2012 Bicycle Master Plan Final Program Environmental Impact Report.

On March 13, 2012, the Board adopted the 2012 Bicycle Master Plan to replace the 1975 Master Plan of Bikeways. The installation of a Class I bikeway extending from the San Gabriel River Path in the Santa Fe Dam recreational area was considered in the report for the 2012 Bicycle Master Plan.

A one-time fee of \$2,919 was paid on March 2, 2012, at the filing of the first notice of determination for the Environmental Impact Report certification. In accordance, Title 14, Section 753.5(e)(3) of the California code of regulations, only one fee is required when an existing certified environmental impact report is used for multiple project approvals that would result in no additional effect to fish and wildlife. Upon the Board's approval of the Emerald Necklace Gateway project, Public Works will file a notice of determination in accordance with 21152(a) of the Public Resources Code and pay the required processing fee in the amount of \$75 per notice as well as a Notice of Exemption for the proposed lease approval. Staff will also continue to assist the lead Federal contracting agency, as necessary, to complete its requirements under the National Environmental Policy Act.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended action will improve the quality of life for County residents by increasing commuting choices in the San Gabriel Valley, providing additional recreational and commuting trails; enhancing safety; and improved air quality through the construction, operation, and maintenance of the bike path. The bike path and multi-use trail will provide healthy choices for residents. The increase in users resulting from this project will result in additional operating and maintenance responsibilities for Public Works and Parks and Recreation.

### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Programs Development Division.

The Honorable Board of Supervisors

8/19/2014

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:JTW:pr

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Department of Parks and Recreation(Russ  
Guiney)